

**STATEMENT OF  
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BEFORE THE  
SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND OCEANS  
COMMITTEE ON NATURAL RESOURCES  
U. S. HOUSE OF REPRESENTATIVES  
CONCERNING  
“H.R. 1497, LEGAL TIMBER PROTECTION ACT”  
OCTOBER 16, 2007**

**INTRODUCTION**

Chairwoman Bordallo, Representative Brown, and Members of the Subcommittee, thank you for inviting the Department of Justice to testify about H.R. 1497, the “Legal Timber Protection Act,” a Bill to amend the Lacey Act to extend its protections to plants, including timber illegally harvested outside of the United States.

I am a Deputy Assistant Attorney General of the Environment and Natural Resources Division (Environment Division), U.S. Department of Justice. The Environment Division is responsible for representing the United States in litigation involving environmental and natural resource statutes, including enforcement cases against individuals or entities that violate those statutes. The Environment Division has a docket of about 7,000 pending cases or matters, with cases in nearly every judicial district in the nation. We litigate cases arising under more than 70 different environmental and natural resources statutes.

Among the environmental statutes that the Environment Division is responsible for enforcing is the Lacey Act, discussed in more detail below. While the focus of this testimony is the Environment Division’s role in criminal prosecution of Lacey Act violations, I should add that a number of other federal agencies are involved in the implementation of the Lacey Act, including the Department of the Interior’s U.S. Fish and Wildlife Service, the Department of Commerce, the Department of Agriculture, and the Department of Homeland Security.

While the Environment Division has brought a number of cases to prosecute violations of the Lacey Act’s provisions protecting fish and wildlife, in its current form the Act provides limited coverage and limited enforcement tools with respect to timber or other plants.

As I explain in greater detail herein, illegal trafficking in timber and timber products has been demonstrated to be a major problem for both domestic and international interests. The Administration has made it a priority for the United States to

do its part to try to curb trafficking in illegally logged timber. Under President Bush's direction to reduce illegal logging, the Administration has been evaluating existing domestic laws to determine their adequacy as tools to stem the import of illegally harvested foreign timber and timber products. Penalties on illegal imports applied by the U.S. would provide additional deterrence and additional protection to forest ecosystems overseas and U.S. forest businesses. Based on our review, we believe that existing U.S. laws do not adequately address this problem. We believe that amending the Lacey Act is a sensible way to provide the necessary additional legal authority that deters importation of illegally harvested foreign timber, protects domestic forest businesses, and advances the President's Initiative Against Illegal Logging.

We appreciate and applaud the cooperative and collegial efforts of many of those testifying today and others in the timber industry and conservation community regarding this legislative issue. While we support the general approach of amending the Lacey Act, the Administration has identified a number of specific concerns with the language in H.R. 1497. We believe that those concerns, discussed further below, warrant further discussion.

## **PRESIDENT'S INITIATIVE AGAINST ILLEGAL LOGGING**

Our support for greater protections and enforcement tools with respect to plants, including timber, is fully consistent with the Administration's efforts to combat illegal logging internationally. In February 2002, President George W. Bush directed the Secretary of State to develop an initiative against illegal logging. The following year then Secretary of State Colin Powell launched the President's Initiative Against Illegal Logging (the President's Initiative, or PIAIL) as a framework for action to assist developing countries to combat illegal logging, the sale and export of illegally harvested timber, and corruption in the international forest sector. By illegal logging, we are referring to timber that is harvested, transported, processed, or sold in contravention of a country's laws. Illegal logging destroys forest ecosystems, deprives national governments and local communities of needed revenues, undercuts prices of legally harvested forest products on the world market, finances regional conflict, and acts as a disincentive to sustainable forest management. International trade in illegally harvested timber creates economic incentives for those who violate the law, and thereby increases the magnitude of the problem.

The World Bank [see "Strengthening Forest Law Enforcement and Governance, Report No. 36638-GLB, August 2006] estimated in 2006 that timber harvested illegally worldwide on public lands alone results in lost assets and revenue in excess of \$10 billion annually in developing countries. That money represents funds that could otherwise be used by governments in developing countries, where much of the illegal harvesting occurs, to meet the basic needs of their people, better manage their forests and other natural resources, and reduce their international debt. In addition to the ecological damages associated with illegal logging, trade in illegal timber also hurts U.S. wood products companies.

The President's Initiative emphasizes identifying and reducing threats to protected areas and other high conservation value forests from illegal logging through four key strategies:

- **Good Governance** – Building country capacity to establish and strengthen legal regimes and enforcement of laws affecting forest management, especially those aimed at illegal logging;
- **Community-Based Actions** – Enhancing community involvement in forest governance and related wildlife issues;
- **Technology Transfer** – Developing integrated monitoring systems and building in-country capacity to monitor forest conditions and activities and compliance with laws, including using remote sensing and ground-based technologies to monitor changes in forest conditions; and
- **Harnessing Market Forces** – Promoting good business practices, transparent markets, and legal trade, including in-country capacity to implement obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Several federal departments and agencies, including the Department of Justice, as well as U.S.-based international organizations and intergovernmental agencies, have been involved in international activities to implement the President's Initiative Against Illegal Logging. The President's Initiative has included actions in Africa, Asia, and Latin America, as well as global activities beyond particular countries' borders. While I will not discuss all of these activities, let me describe some of the activities in which the Department of Justice has recently been involved.

In November 2006, the United States Trade Representative, Susan C. Schwab, signed a Memorandum of Understanding with the Minister of Trade for the Government of the Republic of Indonesia on Combating Illegal Logging and Associated Trade. The Agreement is designed to promote forest conservation by combating trade in illegal timber, and to help ensure that Indonesia's legally produced timber and wood products continue to have access to markets in the United States and elsewhere. Attorneys from the Environment Division have actively participated in the bilateral working group established under the Agreement to facilitate joint efforts by the United States and Indonesia to combat illegal logging and associated trade. In addition, the Environment Division will apply a portion of the \$1 million that the United States has committed to fund projects under the Agreement to assist in training judges and prosecutors in Indonesia on methods of prosecuting crimes involving illegal timber and timber products. The workshops will focus on investigation of illegally harvested timber and related "forest" crimes in Indonesia, general crimes like money laundering applicable to illegal logging, gathering evidence, and successful prosecution of such cases. The Environment Division already provides training to judges and prosecutors in countries that are participants in the Association of Southeast Asian Nations - Wildlife Enforcement Network (ASEAN-WEN) on methods of prosecuting crimes involving trade in illegally taken wildlife and wildlife parts. This training is conducted in conjunction with the

ASEAN-WEN Support Group, the U.S. Fish and Wildlife Service and several non-governmental organizations.

## **THE LACEY ACT – BROAD APPLICABILITY TO FISH AND WILDLIFE**

As I stated previously, the Lacey Act is a key statutory tool relied on by federal prosecutors in cases involving illegal trafficking in fish and wildlife. First enacted in 1900, the Lacey Act is the United States' first major national wildlife protection statute. The current version of the Lacey Act, which includes significant amendments made in 1981 and 1988, is an anti-trafficking statute that provides broad protections with respect to fish and wildlife. The Lacey Act applies to all “wild” (*i.e.*, non-domesticated) animals from mammals to invertebrates, whether alive or dead. It also applies to any animal part, product, egg, or offspring, even if bred in captivity. 16 U.S.C. § 3371(a). The Act’s prohibitions have two “prongs”: provisions relating to wildlife trafficking, both domestic and transnational; and provisions relating to false labeling, which proscribe making or submitting any false record, account, label for, or false identification of wildlife.

The first “prong” of the Lacey Act makes it unlawful (1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife already taken (*i.e.*, captured, killed or collected), possessed, transported, or sold, (2) in violation of state, federal, American Indian tribal, or foreign laws or regulations that are fish or wildlife-related (the so-called “underlying law” or “predicate offense”).<sup>1/</sup> Together, these are referred to as the “two steps” necessary for an offense under the Lacey Act. A two-tiered penalty scheme exists, creating both misdemeanor and felony offenses, distinguished by the defendant’s knowledge of the underlying law violations. 16 U.S.C. § 3373(d)(1) and (2). For a Lacey Act violation to be a felony, the defendant must “know” about, or be generally aware of, the illegal nature of the wildlife, but not necessarily the specific law violated.<sup>2/</sup> A misdemeanor requires that the defendant “in the exercise of due care” should have known the facts constituting the underlying law violation. Felony violations, in addition to a “knowing” scienter or *mens rea* requirement, require either proof that the defendant “knowingly” imported or exported wildlife, or “knowingly” engaged in conduct during the offense that involved the sale or purchase of, the offer for sale or purchase of, or the intent to sell or purchase wildlife with a market value over \$350.

The second “prong” of the Lacey Act prohibits the making or submitting of any false record, account, label for, or identification of any wildlife transported or intended to be transported in interstate or foreign commerce, or imported, exported, transported, sold, purchased, or received from any foreign country. A violation of these provisions may be prosecuted as either a misdemeanor or felony, depending upon the nature of the offense, paralleling trafficking offenses.

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<sup>1/</sup> 16 U.S.C. § 3372 (a)

<sup>2/</sup> *United States v. Santillan*, 243 F.3d 1125 (9<sup>th</sup> Cir. 2001); *United States v. Todd*, 735 F.2d 146 (5<sup>th</sup> Cir. 1984).

One unique feature of the Lacey Act is that it allows the incorporation of foreign law as an underlying law or predicate offense that "triggers" a Lacey Act violation. Not all foreign laws, however, can serve as a trigger to a Lacey Act offense -- only foreign laws related to fish or wildlife.<sup>3/</sup> A person who imports wildlife into the United States that has been taken, possessed, transported, or sold in violation of a foreign law or regulation can be prosecuted in the United States for a Lacey Act offense. The law or regulation must be of general applicability, but may be a local, provincial, or national law. The defendant need not be the one who violated the foreign law; the wildlife itself becomes "tainted" even if someone else commits the foreign law violation. However, the defendant must know or, in the exercise of due care, should know, about its illegal nature.

This assimilation of foreign law under the Lacey Act is illustrated by a case involving the prosecution of Taiwanese nationals for attempting to import 500 metric tons of salmon that was taken in violation of a Taiwanese law that they themselves had not violated, but which they nonetheless knew had been violated when the fish were harvested.<sup>4/</sup> In another example, over 144,000 pounds of blue king crab was seized and forfeited when it was imported after being harvested and transported in violation of Russian law.<sup>5/</sup>

The Lacey's Act's assimilation of foreign laws is not an effort to police other countries. Rather, our assimilation of such laws potentially reduces demand in the U.S. for species poached in foreign countries. Assimilation of foreign laws also encourages international cooperation and mutual reciprocal enforcement efforts. The Senate Report issued in connection with the 1969 Amendments to the Lacey Act described what assimilation of foreign law accomplishes:

On the international level . . . [b]y prohibiting the sale in the United States of wildlife protected by a foreign government, the demand [in the U.S.] for poached wildlife from that country will be sharply reduced. In addition, however, such a law is also designed to promote reciprocity. If we assist a foreign country in enforcing its conservation laws by closing our market to wildlife taken illegally in that country, they may in turn help to enforce conservation laws of the United States by prohibiting the sale within their borders of wildlife taken illegally within the United States.<sup>6/</sup>

The Lacey Act occupies a central place within the framework of federal wildlife laws and is a key enforcement tool for several additional reasons. First, the Lacey Act applies to a wider array of wildlife than any other single protection law, including the Endangered Species Act. Second, it has the stiffest potential penalties. Third, its prohibitions have a greater reach, including offenses that start out in foreign countries as violations of the laws of another country.

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<sup>3/</sup> 16 U.S.C. § 3371(d).

<sup>4/</sup> *United States v. Lee*, 937 F.2d 1388 (9<sup>th</sup> Cir. 1991).

<sup>5/</sup> *United States v. 144,774 pounds of Blue King Crab*, 410 F.3d 1131 (9<sup>th</sup> Cir. 2005).

<sup>6/</sup> S. Rep. No.91-526, 91st Cong., 1st Sess. 12 (1969), *reprinted in* 1969 U.S.C.C.A.N. 1425.

## THE LACEY ACT IS CURRENTLY OF NARROW APPLICABILITY TO PLANTS, INCLUDING TIMBER

Although the Lacey Act provides broad authority and strong enforcement tools to combat transnational wildlife trafficking, it does not currently apply to international traffickers of plants, including timber or associated wood products derived from illegal logging. The prohibitions of the Lacey Act that assimilate foreign law were not written to include foreign laws relating to plants, only fish and wildlife-related laws.<sup>7/</sup> Plants were added to the Lacey Act enforcement scheme in 1981 to improve the effectiveness of existing State laws by providing a federal enforcement tool to crack down on those who blatantly violate State laws designed to conserve plants threatened with extinction. The 1981 amendments also apply to U.S. native plants that are listed under CITES. However, the provisions with respect to plants are more limited than those for wildlife. While the Lacey Act prohibits the taking, possession, transport, or sale of any fish or wildlife in violation of any State or foreign law, it omits the assimilation of foreign law for such acts with respect to plants. The Act prohibits only the taking, possession, transport, or sale of plants in violation of State law.

Just as the Lacey Act's plant enforcement reach was deliberately limited, the statute's definition of plant was likewise narrowly circumscribed. The Lacey Act defines "plant" and "plants" as "any wild member of the plant kingdom, including roots, seeds, and other parts thereof (but excluding common food crops and cultivars) *which is indigenous to any State and* which is either (A) listed on an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),<sup>8/</sup> or (B) listed pursuant to any State law that provides for the conservation of species threatened with extinction."<sup>9/</sup> (emphasis added). The Lacey Act only reaches plants native to the United States which are listed in one of the three appendices to CITES or protected by a State law that conserves species threatened with extinction. Listing of a plant under CITES does not bring a plant under the coverage of the Lacey Act if it is not native to the United States. Native plants listed under CITES can also be excluded from coverage if they are deemed to be food crops or cultivars under the definition of "plant."<sup>10/</sup>

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<sup>7/</sup> 16 U.S.C. § 3372(a)(2)(B). However, no similar impediment prevents using the false labeling provisions of 16 U.S.C. § 3372(d) for violations involving plants.

<sup>8/</sup> CITES is an international agreement which entered into force in July 1975 and to which the United States and 171 other countries are parties. The aim of CITES is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES currently accords varying degrees of protection to approximately 30,000 species of animals and plants.

<sup>9/</sup> 16 U.S.C. § 3371(f)

<sup>10/</sup> One court ruled that American ginseng, listed in Appendix II of CITES, was a common food crop or cultivar and not protected by the Lacey Act. *United States v. McCullough*, 891 F. Supp. 422 (N.D. Ohio 1995).

## **INTERDICTION EFFORTS AGAINST TRAFFICKING IN ILLEGALLY LOGGED TIMBER ARE FRUSTRATED BY THE ABSENCE OF BROAD-BASED CRIMINAL SANCTIONS**

Absent protection afforded to various tropical timber species under CITES, it appears that no violation of U.S. law occurs upon the importation of stolen or illegally harvested logs. In other words, even if both the importer and federal enforcement officials know that the logs were taken illegally, so long as the documents submitted to the United States upon importation are complete, truthful and not false, no actionable criminal violation has occurred.

The Department has reviewed the federal criminal code to determine what laws might apply to such conduct. The Department reviewed a number of criminal provisions in Title 18 of the United States Code and concluded, based on this review, that none of those provisions could be applied to interdict and prosecute our hypothetical timber trafficker.<sup>11/</sup> The only possible exception to this conclusion is under the unlikely circumstance that a foreign country treats unlawfully harvested timber as stolen goods or property and has the evidence to prove it, allowing prosecutors here to prosecute the subsequent transportation of the stolen timber in foreign commerce to the U.S.

One provision of Title 18 of the U.S. Code that is particularly useful in prosecuting wildlife traffickers, the smuggling statute at 18 U.S.C. § 545, has limited utility in prosecuting timber traffickers. There are two types of smuggling offenses set forth in the statute that are commonly used in cases involving wildlife. But those two types of smuggling offenses have limited applicability to plants because the offenses require a knowing importation “contrary to law.” That term has in general been determined by the courts to mean contrary to United States law. Therefore, while a case involving wildlife trafficking can be prosecuted as a smuggling offense if the importation is contrary to either CITES or in rare instances the broad provisions of the Lacey Act itself applicable to wildlife, the narrow provisions of the Lacey Act applicable to plants and the relatively few timber species listed under CITES as described below limit its broader use against illegal logging and other illegal plant trade. In the Department’s review of criminal statutes that we could possibly use to prosecute the importer of illegal timber, we also looked at offenses potentially chargeable under other titles of the U.S. Code, including conservation statutes, plant pest statutes, and cultural property provisions. We concluded that only if the importer acts in a manner violating CITES, which would enable us to include the violation as a component of a smuggling charge, would we have a legal mechanism by which to bring criminal charges.

CITES seeks to regulate the international wildlife and plant trade<sup>12/</sup> by listing species in one of three "Appendices," based on the degree to which a species is at threat

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<sup>11/</sup> The laws reviewed included those related to transportation of stolen goods in foreign commerce (18 U.S.C. 2314); false statement crimes (18 U.S.C. 542, 1001); smuggling of goods (18 U.S.C. 545); and money laundering (18 U.S.C. 1956 and 1957).

<sup>12/</sup> By international wildlife and plant trade we refer to the import, export and re-export of live and dead animals, fish and plants, and their parts and derivatives).

of extinction and in international trade. CITES regulates trade between countries, imposing the greatest restrictions on species found in Appendix I, and the least on those in Appendix III.

CITES protections are implemented through a system of permits and certificates issued by both member and non-member countries that must accompany lawful shipments of listed plants or wildlife. The type of permit or certificate required, and the restrictions placed on the CITES shipment, depend on the particular appendix in which a species is listed: Appendix I, II, or III. CITES, Arts. III, IV, V. Appendix I is the most restrictive listing category and bans wildlife trade in listed species between countries for commercial purposes. Appendix II permits commercial trade under permit for species not yet considered in danger of extinction, as long as the trade is not detrimental to the survival of the species and the species were obtained in accordance with national law. Appendix III includes species identified by a Party as being subject to regulation within its jurisdiction and needing cooperation of other Parties in the control of the trade. CITES Art. V.

While CITES may provide a basis for pursuing a smuggling prosecution with respect to timber, it provides only a very limited basis for prosecuting cases involving the illegal-timber trade due to the fact that only a few of the many species subject to illegal logging and trafficking are listed under CITES.<sup>13/</sup> Furthermore, the threshold that must be met for listing species under CITES is high and decisions to list species are frequently contentious.<sup>14/</sup> Moreover, many timber species in international trade simply do not meet the criteria for listing under CITES. Consequently, even the listing of a species in a CITES appendix is no guarantee of effective international trade regulation by the member countries. In the United States, the Endangered Species Act is the statute by which we implement our CITES obligations.<sup>15/</sup> To date there is not one reported successful

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<sup>13/</sup> Brazilian rosewood, brazilwood, bigleaf mahogany and ramin are some of the timber species listed under CITES. A number of other tree species are listed. Not all of the tree species listed are traded as timber; some are traded as medicinal or horticultural specimens. See plant listings under CITES appendices at [www.cites.org](http://www.cites.org).

<sup>14/</sup> For example, an Appendix-II listing requires the CITES Parties to agree that the species, although not necessarily currently threatened with extinction, may become so unless international trade is subject to strict regulation in order to avoid utilization incompatible with the species' survival. CITES, Art. II.

<sup>15/</sup> The Act designates the Secretary of the Interior and the United States Fish and Wildlife Service to carry out its functions and further the Secretary of Agriculture with respect to enforcement of the CITES provisions pertaining to the importation or exportation of terrestrial plants, and prescribes criminal penalties with up to one (1) year imprisonment and \$100,000 fine for an individual, and \$200,000 for an organization, for anyone convicted of "knowingly" importing or exporting CITES-listed specimens contrary to CITES, or possessing CITES-listed specimens traded in violation of the treaty. 16 U.S.C. §§ 1532(15); 1537a; 1538(c)(1), 1540(b)(1). See *United States v. Winnie*, 97 F.3d 975 (7<sup>th</sup> Cir. 1996) (possession of cheetah imported in violation of CITES illegal, even if imported outside of the statute of limitations). While the penalties for CITES



criminal prosecution in the U.S. involving CITES-listed timber. The only reported civil case arising from U.S. efforts to apply the CITES restrictions to illegal logging is *Castlewood Products, L.L.C. v. Norton*, 365 F.3d 1076 (D.D.C. 2004), a case in which the court upheld the detention by U.S. officials of a number of bigleaf mahogany shipments from Brazil where U.S. officials doubted the validity of the accompanying Brazilian CITES export permits. Given that CITES currently regulates only a small number of timber species, it is not sufficient to cover the broader problem of illegal logging and timber trafficking.

## **THE DEPARTMENT OF JUSTICE SUPPORTS LEGISLATION TO STOP ILLEGAL LOGGING AND TIMBER TRAFFICKING**

In 1981, when Congress overhauled the Lacey Act, it was prompted to do so by evidence that had been “uncovered of massive illegal [and highly profitable] trade in fish and wildlife . . . handled by well organized large volume operations run by professional criminals [who] utilize ‘white collar’ crime tactics such as multiple invoicing and other fraudulent documentation to carry out and conceal their illicit activities.”<sup>17/</sup> Congress further warned that “the illegal wildlife trade has grim environmental consequences. It threatens the survival of many species . . . we value because of their commercial values . . . and the economic consequences of this trade are . . . severe.”<sup>18/</sup>

Almost identical language could be used today to describe the global problem of illegal logging and timber trafficking and the need for stronger enforcement tools to address it. Worldwide, illegal logging is estimated to be a multi-billion dollar industry activity. The adverse environmental consequences of illegal logging, including destruction of forest ecosystems and critical wildlife habitat, are enormous. Just as Congress recognized in 1981 that greater enforcement tools needed to be added to the Lacey Act to combat illegal trade in wildlife, stronger enforcement tools should now be added to address trade in illegally-obtained timber.

In general, the Administration supports amending the Lacey Act to provide enforcement agencies with adequate and clearly defined legal tools to address illegal logging and trafficking of foreign timber. Addition of such enforcement tools to address trafficking in illegal timber is consistent with the President’s Initiative and would enhance our ability to take steps against the multi-billion dollar trade in illegally logged timber. Such an amendment would support international good governance; it would provide a tool for effective enforcement in our domestic markets, thereby reducing demand for illegal timber; and it would encourage international cooperation and reciprocal enforcement efforts.

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offenses themselves are low, as noted earlier a CITES violation can support a felony smuggling charge.

<sup>17/</sup> S. Rep. No. 97-123, 97st Cong., 1st Sess. 1 (1981), *reprinted in* 1981 U.S.C.C.A.N. 1748.

<sup>18/</sup> *Id.*

## **H.R. 1497, THE LEGAL TIMBER PROTECTION ACT**

The Administration has, however, identified a number of concerns with the language in H.R. 1497 and issues that must be addressed. First, under the proposed legislation, the definition of “plant” is very broad; it could, for example, encompass items such as wooden shipping containers and packing materials such as paper and cardboard. We believe the scope should include timber and timber products, because there is a clear need for additional enforcement tools to address trade in illegal timber and timber products. However, we believe items like shipping containers and packing materials should not be included in the definition of “plant.” We request that the Committee continue to work with the Administration on the scope of the term “plant” in the Bill.

In addition, by expanding the current conservation scope of the Lacey Act, H.R. 1497 places additional responsibilities on the Federal agencies that share responsibility for policing international plant trade in the United States. While meeting these responsibilities will require agency resources, we note that the President’s FY 2008 budget, which was proposed some time ago, does not provide funds to responsible agencies to implement this legislation.

Furthermore, H.R. 1497 does not currently specify which government agency will lead implementation of the legislation’s many operational tasks, such as development of regulations, inspection of shipments and collection of declaration information, reporting, and investigation of significant violations. We also want to ensure that deadlines for executive branch agencies to finalize regulations are realistic and based on time frames that will allow the agency to conduct the appropriate analyses, develop and propose suitable regulatory language, conduct the appropriate analyses required by law for such regulations, provide for adequate public notice and comment, and finalize the regulations. We thus recommend that the Committee consult with the affected agencies on appropriate deadlines.

H.R. 1497 also includes provisions that may raise certain complexities in implementation and enforcement. For example, prohibitions based on failure to pay “royalties, taxes, or stumpage fees” could raise complex enforcement issues. We also foresee questions surrounding declaration requirements, such as whether declarations will be required for all paper and paper products in international trade; which Federal agency will collect and analyze declaration information; and how that information will be processed.

Notwithstanding these various issues that must be addressed, we are pleased that we all share the goal of finding an effective but prudent means of fighting the illegal trafficking in foreign timber and timber products. We look forward to working with the Committee to ensure the clarity and effectiveness of any potential amendments to the Lacey Act.

## **CONCLUSION**

Thank you for the opportunity to appear before the Subcommittee today to discuss this important topic. I would be happy to answer any questions that you may have about my testimony.